

(05E,5.

LAW OFFICES OF SIMON HARTER, ESQ.
 Simon Harter (SH-8540)
 304 Park Avenue South – 11th Floor
 New York, New York 10010
 (212) 979-0250 – Phone
 (212) 979-0251 – Fax
 Attorneys for Plaintiff, Metall und Rohstoff
 Shipping (and Holdings) B.V.

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 4/18/08

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 METALL UND ROHSTOFF SHIPPING (AND
 HOLDINGS) B.V.,

Plaintiff,

-against-

FERLAND AND CO LTD.,

Defendant.
 -----X

08-cv-1870 (DLC)(GWG)

NOTICE AND ORDER FOR
 FOR VOLUNTARY DISMISSAL
WITH PREJUDICE

Plaintiff, METALL UND ROHSTOFF SHIPPING (AND HOLDINGS) B.V., by and through undersigned counsel, Law Offices of Simon Harter, Esq., hereby gives Notice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, of the Voluntary Dismissal, with prejudice, of the above-entitled action. With respect thereto, Plaintiff states that no answer, appearance or motion for summary judgment has been received by counsel for Plaintiff. There has been no prior dismissal in any court of the United States or of any state of an action based on or including the same claim as presented by Plaintiff in its Verified Complaint herein.

Plaintiff notes that two electronic funds transfers totaling US \$115,420.00 were properly attached, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and

Maritime Claims of the Federal Rules of Civil Procedure and this Court's Order dated February 26, 2008, by JPMorgan Chase Bank on April 11, 2008. See, Rawle & Henderson, LLP letter dated April 11, 2008, attached hereto as Exhibit "A".

Following settlement of this action between the parties, on April 16, 2008, Plaintiff requested that the attached funds be released and remitted in accordance with the original wire instructions. See Exhibit "B". On April 17, 2008, Plaintiff received confirmation that the aforementioned funds had been released by the attaching bank. See Exhibit "C".

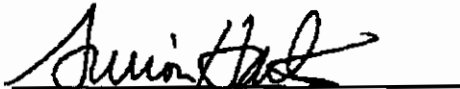
Plaintiff has issued Cease and Desist notices to all banks served with Process of Maritime Attachment and Garnishment, advising them to release any attached funds and to refrain from any further attachments.

Dated: New York, New York
April 17, 2008

Respectfully submitted,

LAW OFFICES OF SIMON HARTER, ESQ.
Attorneys for Plaintiff,
METALL UND ROHSTOFF SHIPPING (AND
HOLDINGS) B.V.

By:



Simon Harter (SH-8540)
304 Park Avenue South - 11th Floor
New York, New York 10010
(212) 979-0250 (Phone)
(212) 979-0251 (Fax)

*So ordered. Clerk of Court
shall close the case.*

*James C. Lee
April 18, 2008*